IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 3307 of 2001

For Approval and Signature:

Hon'ble MR.JUSTICE P.B.MAJMUDAR

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1. Whether Reporters of Local Papers may be allowed to see the judgement? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

VASANTLAL RAICHANDBHAI MEHTA

Versus

STATE OF GUJARAT

Appearance:

MR GM JOSHI for Petitioners

Mr.Joshi, Assistant GOVERNMENT PLEADER, for Respondent No. 1

RULE SERVED BY DS for Respondent No. 2,13,14,15,16

MR PARESH UPADHYAY for Respondent No. 4

DS AFF. NOT FILED (R) for Respondent No. 6

CORAM : MR.JUSTICE P.B.MAJMUDAR

Date of decision: 19/06/2001

ORAL JUDGEMENT

1. The petitioners have prayed for quashing and

setting aside the seniority list at Annexure `C' dated 31.3.2001 on various grounds. Interim relief is also prayed that no Departmental Promotion Committee may be constituted for promotion to the post of Superintending Engineer on the basis of the aforesaid seniority list. The dispute seems to be between direct recruits and promotees and regarding placement of the concerned employee at a proper place in the seniority list. Since the matter is being disposed of with the consent of the parties, it is not necessary to go into the details of the petition or the pleadings.

2. Today, affidavit-in-reply is filed on behalf of the respondent-State, which is taken on record. The said affidavit-in-reply is filed by one Paritosh M. Christian, Deputy Secretary to Government of Gujarat, Narmada Water Resources and Water Supply Department, Sachivalaya, Gandhinagar. In paragraph 4 of the said reply, it is stated that, there are 34 posts of Superintending Engineer which will be available on 30th June, 2001. Out of the said 34 posts, Finance Department has given approval to fill up 26 posts of Superintending Engineer. In paragraph 6 of the reply, it is stated that whenever these 26 posts will be filled in by way of promotion, it will be filled in simultaneously. Mr.Joshi for the petitioners submits that in view of the said statement in the affidavit-in-reply to the effect that all the 26 posts will be filled in by the Department at a time, the petitioners are likely to get chances of promotion and that in view of the said reference about filling in all the 26 posts simultaneously, the petitioners do not want to proceed further with the main Special Civil Application and that in view of the said averments in paragraph 6, the petitioners would like to withdraw this petition. Permission to withdraw the aforesaid petition is accordingly granted. Petition stands disposed of as withdrawn. Rule is discharged. Interim relief, if any, shall stand vacated. Liberty to apply in case of any difficulty. There shall be no order as to costs.

19th June, 2001 (P.B. Majmudar, J.)

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(apj)